

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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HECTOR FLAMENCO,

Plaintiff,

-against-

WORLD TRADE CENTER LLC,
et al.,

Defendants.
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ORDER DIRECTING PAYMENT
OF FEE OR IFP APPLICATION &
PRISONER AUTHORIZATION

21 MC 100 (AKH)

ALVIN K. HELLERSTEIN, United States District Judge:

Plaintiff Hector Flamenco, currently incarcerated in the Federal Correctional Institution in Fort Dix, New Jersey, brings this action *pro se*. On January 26, 2011, the Court received a document dated January 21, 2011, styled as an "Ex Parte Motion to Order the Court Clerk . . . to Serve Plaintiff's Complaint." The document was filed in In Re World Trade Center Disaster Site Litigation, No. 21 MC 100 (AKH) (S.D.N.Y. Jan 28, 2011) (Dkt. 2313). The Court treated the application as a motion and, by memo endorsement dated February 22, 2011, denied the motion because Plaintiff failed to plead a cause of action against any defendant "other than the City and Tully [Construction Company]" and held that he was not entitled to free copies of the Complaint for the more than 200 defendants that he named. *Id.* (Order signed February 22, 2011).

The Clerk of Court is therefore directed to file the document annexed to the Ex Parte Motion as a Complaint in a new civil action and to assign it to my docket as related to In Re World Trade Center Disaster Site Litigation, No. 21 MC 100 (AKH) (S.D.N.Y. Jan 28, 2011).

The Court directs Plaintiff to pay the \$350.00 filing fee or submit a completed Request to

Proceed *In Forma Pauperis* ("IFP application") and a Prisoner Authorization, both bearing the same docket number as this Order, within thirty (30) days.

If Plaintiff complies with this Order by paying the filing fee or submitting a completed IFP application and Prisoner Authorization form, the Court will grant Plaintiff leave to submit an Amended Complaint naming only the City of New York and Tully Construction Company.¹

CONCLUSION

The Clerk of Court is directed to file the Complaint, annexed to the *Ex Parte* Motion in In Re World Trade Center Disaster Site Litigation, No. 21 MC 100 (AKH) (S.D.N.Y. Jan 28, 2011) (Dkt. 2313) received January 26, 2011, as a new civil action and to assign it to my docket. No Summons shall issue at this time.

The Court directs Plaintiff to pay the \$350.00 filing fee or submit a completed Request to Proceed *In Forma Pauperis* ("IFP application") and a Prisoner Authorization, bearing the same docket number as this Order, within thirty (30) days.² If Plaintiff fails to comply with this Order within the time allowed, the action will be dismissed.

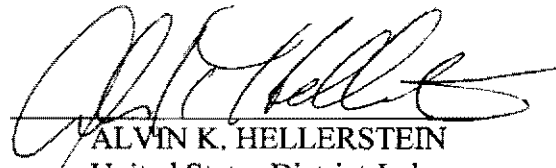
¹In the February 22, 2011 order, the Court held that the Complaint failed to state a claim against any Defendant other than the City of New York and Tully Construction Company.

² For Plaintiff's convenience, an IFP application and a Prisoner Authorization are attached.

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this Order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. See Coppedge v. United States, 369 U.S. 438, 444-45 (1962).

SO ORDERED:

Dated: 9/16/11
New York, New York


ALVIN K. HELLERSTEIN
United States District Judge